

AUG 19 2008

Environmental
Cleanup Office

**CONOCOPHILLIPS COMPANY ("CONOCOPHILLIPS"),
ON BEHALF OF PHILLIPS PETROLEUM COMPANY,
TOSCO CORPORATION AND ASSETS OF 76 PRODUCTS COMPANY
RESPONSES TO
JANUARY 18, 2008 EPA FIRST REQUEST FOR INFORMATION
Portland Harbor Superfund Site ("Site")
Portland, Oregon**

These responses are not and should not be taken as an admission or waiver of any kind to the jurisdiction, statutory authority or regulatory authority of the United States Environmental Protection Agency (EPA) for this information request or any EPA remedial actions.

QUESTIONS AND RESPONSES

Section 1.0 Respondent Information

1. **Provide the full legal, registered name and mailing address of Respondent.**

Response

The full legal, registered name and mailing address of Respondent is:

ConocoPhillips Company
600 North Dairy Ashford
Houston, Texas 77079

ConocoPhillips Company is the successor in interest to Tosco Corporation. Tosco Corporation was acquired by Phillips Petroleum Company in September 2001. Conoco Inc. merged into Phillips Petroleum Company on December 31, 2002, and Phillips' name changed to ConocoPhillips Company. Tosco Corporation merged with and into ConocoPhillips Company on January 1, 2003.

2. **For each person answering these questions on behalf of Respondent, provide:**
 - a. **full name;**
 - b. **title;**
 - c. **business address; and**
 - d. **business telephone number, electronic mail address, and FAX machine number.**

Response

ConocoPhillips requests that any contact with the persons listed below be made through Derrick Vallance, Senior Counsel.

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3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, fax number, and, if available, electronic mail address.

Response

Willette A. DuBose

See response to Question 2 above.

Section 2.0 Owner/Operator Information

4. Identify each and every Property that Respondent currently owns, leases, operates on, or otherwise is affiliated or historically has owned, leased, operated on, or otherwise been affiliated with within the Investigation Area during the period of investigation (1937-Present). Please note that this question includes any aquatic lands owned or leased by Respondent. Please note this question includes pipelines owned or controlled by Respondent and/or easements held by Respondent.

Response

Respondent specifically objects to Request No. 4 on that it seeks information that is overbroad and unduly burdensome. ConocoPhillips is an international, integrated energy company. ConocoPhillips and its predecessor companies had many subsidiaries, affiliates and other business interests that may have performed business in the Investigation Area during the subject period. An investigation into each specific entity and its records would require significant research and investigation. Therefore, ConocoPhillips is focusing the scope of its investigation to the Portland Terminal property located at 5528 NW Doane Ave.

5. Provide a brief summary of Respondent's relationship to each Property listed in response to Question 4 above, including the address, Multnomah County Alternative Tax lot Identification number(s), dates of acquisition, period of ownership, lease, operation, or affiliation, and a brief overview of Respondent's activities at the Properties identified.

Response

Please refer to the response to Question 4 above. Please also refer to the

response to Question 6 below.

- 6. Identify any persons who concurrently with you exercises or exercised actual control or who held significant authority to control activities at each Property, including:**
- a. partners or joint venturers;**
 - b. any contractor, subcontractor, or licensor that exercised control over any materials handling, storage, or disposal activity on the Property; (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities);**
 - c. any person subleasing land, equipment or space on the Property;**
 - d. utilities, pipelines, railroads and any other person with activities and/or easements regarding the Property;**
 - e. major financiers and lenders;**
 - f. any person who exercised actual control over any activities or operations on the Property;**
 - g. any person who held significant authority to control any activities or operations on the Property;**
 - h. any person who had a significant presence or who conducted significant activities at the Property; and**
 - i. government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activity on the Property.**

Response

The Portland Terminal is located at 5528 N.W. Doane Avenue in the City of Portland, Multnomah County, Oregon. Tosco Corporation purchased refining and marketing assets from Union Oil Company of California in seven western states in March 1997, including the assets or property located at 5528 N.W. Doane Avenue, Portland. At the close of the refining and marketing asset sale, Union Oil Company of California continued its corporate existence separate and distinct from Tosco Corporation. Two Unocal trademarks were transferred to Tosco to use at retail service stations, terminals, and refineries: "76" and "Union 76". Tosco was not allowed to use the trademark UNOCAL. Tosco Corporation was acquired by Phillips Petroleum Company in September 2001. On December 31, 2002, Phillips Petroleum Company changed its name to ConocoPhillips Company. Immediately after the name-change, Conoco Inc. merged with and into ConocoPhillips Company with ConocoPhillips Company being the surviving entity. ConocoPhillips Company is the successor by merger to Conoco Inc. and Tosco Corporation.

Since the acquisition of the 76 Assets by Tosco Corporation in 1997, Tosco personnel and/or its successors have exercised authority and control over the operations at 5528 N.W. Doane Avenue.

7. **Identify and describe any legal or equitable interest that you now have, or previously had in each Property. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed, if applicable. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, purchase and sale agreements, partnership agreements, etc.).**

Response

Please refer to the response to Question 6 above. Please also refer to the documents attached hereto as Document #s **COPPOR00000063 thru COPPOR00000179.**

8. **If you are the current owner and/or current operator, did you acquire or operate the Property or any portion of the Property after the disposal or placement of hazardous substances, waste, or materials on, or at the Property? Describe all of the facts on which you base the answer to this question.**

Response

Yes. Please refer to the response to Question 9 below.

9. **At the time you acquired or operated the Property, did you know or have reason to know that any hazardous substance, waste, or material was disposed of on, or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Property and all of the facts on which you base the answer to this question.**

Response

Respondent was made aware of past disposal activities at the property based on an Environmental Baseline Assessment Report that was prepared. Please refer to the document attached here to as Document #s **COPPOR00000001 thru COPPOR00000060.**

10. Identify all prior owners that you are aware of for each Property identified in Response to Question 4 above. For each prior owner, further identify if known, and provide copies of any documents you may have regarding:
- a. the dates of ownership;
 - b. all evidence showing that they controlled access to the Property;
 - c. all evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Property during the period that they owned the Property; and
 - d. provide all documentation regarding but not limited to the following entities:
 - i. Signal Oil Company; and
 - ii. Unocal.

Response

Please refer to the documents attached hereto as Document #s **COPPOR00000063 thru COPPOR00000179** with regard to Unocal.

Respondent is unaware of any connection between "Signal Oil Company" and the ConocoPhillips Portland Terminal. Respondent has no information regarding "Signal Oil Company" other than the reference to it on the map attached hereto as Document #s **COPPOR00000061 thru COPPOR00000062**.

The chronology below provides a brief explanation of the history and ownership of "Signal Oil & Gas Company".

- 1922 or 1928 – "Signal Oil & Gas Company" is incorporated as a Delaware corporation
- 1967 – "Signal Oil & Gas Company" formed a subsidiary named "The Signal Companies, Inc.", a Delaware corporation
- 1968 – "Signal Oil & Gas Company" changes its name to "The Signal Companies, Inc." and the sub of the same name is renamed "Signal Oil & Gas Company"
- 1969 – "The Signal Companies, Inc." conveys its "natural resources business" to "Signal Oil & Gas Company"
- 1974 – "Signal Oil & Gas Company" merges into Burmah Oil & Gas Company
- 1976 – "Burmah Oil & Gas Company" merges into Aminoil USA, Inc.
- 1984 – Phillips Petroleum Company acquires Aminoil USA, Inc.

11. Identify all prior operators of the Property, including lessors, you are aware of for each Property identified in response in Question 4 above. For each such operator, further identify if known, and provide copies of any documents you may have regarding:
- a. the dates of operation;
 - b. the nature of prior operations at the Property;
 - c. all evidence that they controlled access to the Property;
 - d. all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Property during the period that they were operating the Property; and
 - e. provide all documentation regarding but not limited to the following entities:
 - i. Signal Oil Company; and
 - ii. Unocal.

Response

Please refer to the documents attached hereto as Document #s **COPPOR00000063 thru COPPOR00000179** with regard to Unocal.

Please also refer to the response to Question 10 above with regard to Signal Oil Company.

12. If not included in response to any of the previous questions, please describe the purpose and duration of each aquatic lands lease Respondent or the operator of Respondent's Property(ies) ever obtained from the State of Oregon and provide a copy of each application for and aquatic lands lease obtained.

Response

To the best of our knowledge it is believed that Respondent did obtain an aquatic land lease from the State of Oregon. Respondent will supplement this response at a later date, if necessary.

Section 3.0 Description of Each Property

13. Provide the following information about each Property identified in response to Question 4:

- a. property boundaries, including a written legal description;
- b. location of underground utilities (telephone, electrical, sewer, water main, etc.);
- c. location of all underground pipelines whether or not owned, controlled or operated by you;
- d. surface structures (e.g., buildings, tanks, pipelines, etc.); Also provide all documentation regarding but not limited to the following:
 - i. any containment booms;
 - ii. any Tosco's dock warehouse(s);
 - iii. any Tosco's Terminal(s); and
 - iv. all storage tanks;
- e. over-water structures (e.g., piers, docks, cranes, etc.);
- f. dry wells;
- g. treatment or control devices (e.g., surface water, air, groundwater, Resource Conservation and Recovery Act (RCRA), Transfer, Storage, or Disposal (TSD), etc.);
- h. groundwater wells, including drilling logs;
- i. storm water drainage system, and sanitary sewer system, past and present, including septic tank(s) and where, when and how such systems are emptied and maintained;
- j. subsurface disposal field(s), Underground Injection Control (UIC) wells, and other underground structures (e.g., underground storage tanks (USTs); and where they are located, if they are still used, and how they were closed;
- k. any and all major additions, demolitions or changes on, under or about the Property, its physical structures or to the Property itself (e.g., stormwater drainage, excavation work); and any planned additions, demolitions or other changes to the Property;
- l. all maps and drawings of the Property in your possession; and
- m. all aerial photographs of the Property in your possession.

Response

The terminal is located at 5528 Northwest Doane Avenue, in the city of Portland and County of Multnomah, Oregon. The facility is situated in the northwest portion of the city of Portland, on the west bank of the Willamette River and south of the St. John's Bridge. The facility and dock are situated at river mile 7.8 with a longitude and latitude of 122° 13' 15" west and 45° 34' 20" north, respectively.

Please refer to the Documents attached hereto as Document #s **COPPOR00000180 thru COPPOR00000464** and Document #s **COPPOR00013392 thru COPPOR00013416** that show the following

requested features: property boundaries, underground and above ground utilities (including storm sewer and sanitary sewer drainage systems, and water mains), underground petroleum product pipelines (including those owned by ConocoPhillips and those owned by others), aboveground storage tanks (ASTs), underground storage tanks (USTs), drainage features, and over-water structures (specifically the marine dock facility), groundwater monitoring well locations, remediation well locations, remediation system locations. Also included are historical boring logs for the ConocoPhillips Portland Terminal, as well as some for the neighboring ChevronTexaco Willbridge Light Products Terminal and the Kinder Morgan Liquid Terminal LLC. All available aerial photography (covering the period 1925 through 1996) are also included. No dry wells have ever been installed on site. Additionally, numerous maps and drawings of the ConocoPhillips Terminal are provided.

- 14. For Properties adjacent to the Willamette River, provide specific information describing the river-ward boundary of private ownership and where state aquatic lands and/or state-management jurisdiction begins. Provide a map that delineates the river-ward boundary of each Property.**

Response

The ConocoPhillips Terminal leases the river-ward property from the Port of Portland. The boundary of the river-ward property is along the north side of NW Front Avenue and is depicted on the site map. Please refer to the documents attached hereto as Document #s **COPPOR00000465 thru COPPOR00000468**.

- 15. For each Property, provide all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about each Property. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.**

Response

Please refer to the large volume of documents attached hereto as Document #s 00002868 thru 00012731. These documents include an extracted copy of the Final Upland Remedial Investigation Report, Willbridge Facility, dated 8/1/03, prepared by KHM Environmental Management Inc. The extracted text, figures, and tables were pulled pertaining specifically to the ConocoPhillips Terminal; the requested geologic/hydrogeologic data; and historical soil, water (ground and

surface), and sediment sampling performed for the RI.

- 16. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on each Property. For each such unit or area, provide the following information:**
- a. a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units/areas;**
 - b. dated aerial photograph of the site showing each unit/area;**
 - c. the type of unit/area (e.g., storage area, landfill, waste pile, etc.) and the dimensions of the unit/area;**
 - d. the dates that the unit/area was in use;**
 - e. the purpose and past usage (e.g., storage, spill containment, etc.);**
 - f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area and;**
 - g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area.**

Response

Waste Storage Area #1 is depicted on a site map and aerial photograph. This waste area has been in use since 1997. The waste storage area is an open-roofed enclosed structure (chain-link fence) with a 24-foot by 24-foot concrete pad. Waste Area #2 is a fully-enclosed wooden warehouse with a metal sloped roof, termed the "Asphalt Shed". This structure is used for temporary storage of recovered oil, spent carbon, and oil-containing absorbent materials. Please refer to the documents attached hereto as Document #s **COPPOR00000469 thru COPPOR00000472**.

- 17. If the unit/area described above is no longer in use, how was such unit/area closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.**

Response

Not applicable. Waste areas described in the response to Question 16 are still in use.

- 18. For each Property, provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, ditches, or tributaries discharging into the Willamette River:**
- a. the location and nature of each sewer line, drain, ditch, or tributary;**
 - b. the date of construction of each sewer line, drain, ditch, or tributary;**
 - c. whether each sewer line, or drain was ever connected to a main trunk line;**
 - d. whether each sewer line, drain, ditch, or tributary drained any hazardous substance, waste, material or other process residue to the Willamette River; and**
 - e. provide any documentation regarding but not limited to the following on any and all outfalls to the Willamette River which are located within the boundaries of the Property(ies). Your response should include, but not be limited to:**
 - i. the areas serviced by the outfalls; and**
 - ii. the type of outfall (i.e., storm water or single facility operational).**

Response

The location and nature of each sewer line and drain is shown on maps provided. A copy of the storm sewer construction blueprints for the sewer lines, along NW Front Avenue, as-builts for the shortened 60-inch storm sewer discharging at City of Portland Outfall #22, and details of the 48-inch storm sewer running along NW Doane Avenue are also provided herewith. The former location of a 27-inch wood stake sewer that also discharged at an outfall to the Willamette River is shown. Dates of construction of the storm sewers are largely unknown, except that the most recently-installed storm sewer (i.e., the 60-inch) was constructed in 1976. Outfall #22 receives storm water runoff from the ConocoPhillips Terminal, the ChevronTexaco Terminal, NW Front Avenue, NW Doane Avenue, and catchment basins along part of St. Helens Road (U.S. Highway 30). The 48-inch storm sewer receives all storm water discharge from Separators #001, #002, #004 from the ConocoPhillips Terminal.

Historically, there have been discharges of oily sheens from Outfall #22, most recently observed from January through March 2007 and from January through April 2008. All of the sheen discharges were contained within sets of floating containment booms surrounding the outfall. Outfall #22 was reconstructed in 2001, as part of the installation of a sheet pile/cut-off wall system installed by KHM Environmental Management Inc.

Please refer to the documents attached hereto as Document #s
COPPOR00000473 thru COPPOR00000518.

- 19. Provide copies of any stormwater or property drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide copies of any Stormwater Pollution Prevention or Maintenance Plans or Spill Plans developed for different operations during the Respondent's operation of each Property.**

Response

A copy of the following document is provided: "Hydrologic Analysis for Estimating Stormwater Runoff Volumes" (AMEC, 1997). A copy of ConocoPhillips' 7/23/07 Stormwater Pollution Control Plan (SWCP) and 8/2003 Spill Prevention, Control and Countermeasures (SPCC) are also included.

Please refer to the documents attached hereto as Document #s
COPPOR00000519 thru COPPOR00000740.

Section 4.0 Respondent's Operational Activities

- 20. Describe the nature of your operations or business activities at each Property. If the operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased.**

Response

The facility currently loads, offloads, stores, blends and processes petroleum products, oils, and lubricants for commercial and industrial use. Specific products handled at the facility include biodiesel, JP-7, marine diesel oil, number and number 2 heating oils, number 2 diesel fuel oil, reprocessed fuel oil, residual fuel oil, transmix, and unbranded oxygenated gasoline products (containing ethers and/or ethanol). Petroleum-handling operations at the Terminal began in 1908; and asphalt was produced from 1968 to 1975.

- 21. At each Property, did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any waste, or material? If the answer to the preceding question is anything but an unqualified "no," identify:**

- a. in general terms, the nature and quantity of the waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;

Response

Materials transported, used, purchased, generated, stored and treated are those specifically listed in the response to Question 20 above. Approximate quantities on site are estimated in the tank inventories presented in Exhibit 21 A.

- b. the chemical composition, characteristics, physical state (e.g., solid, liquid) of each waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;

Response

Please refer to the MSDSs attached hereto as Document #s **COPPOR00000741 thru COPPOR00001433.**

- c. how each such waste or material was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you; and

Response

Materials are typically carried on to the property via pipeline or off loaded via boat or train, stored in above ground storage tanks, blended into various products and dispensed and transported off site via pipelines, barges, and/or off-loaded in commercial fuel trucks.

- d. the quantity of each such waste or material used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

Response

Estimates of inventory and annual production of each material are presented in the document attached hereto as Document #s **COPPOR00001434 thru COPPOR00001468.**

22. Describe all activities at each Property that was conducted over, on, or adjacent to, the Willamette River. Include in your description whether the activity involved hazardous substances, wastes, or

materials and whether any such hazardous substances, waste, or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located in the Willamette River.

Response

No hazardous waste spills have been documented at the marine dock for the past eight years. Two small-quantity fuel spills to the river did occur, one in 2002 and the other in 2003. These spills were reported to the National Response Center and Oregon Spill Response, and the U.S. Coast Guard responded to both spills. A copy of the incident reports are presented and attached as Document #s COPPOR00001469 thru COPPOR00001574.

- 23. For each Property at which there was or is a mooring facility, dock, wharf or any over-water structure, provide a summary of over-water activities conducted at the structure, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, and ship building, retrofitting, maintenance, and repair.**

Response

Material loading and unloading occurs at the dock. No permanent ship berthing or anchoring, ship building, retrofitting, maintenance or repairs have occurred at the dock facility. Occasional dock maintenance is conducted. Last year, a total of 73 cinder pile pilings were replaced under contract to Hickey Marine. Permitting of this activity is through the U.S. Army Corps of Engineers. The treated wood pilings were replaced with steel pilings, and the replaced cinder pilings with untreated wood pilings. Tugboats are occasionally fueled at the dock area.

- 24. Describe all activities conducted on leased aquatic lands at each Property. Include in your description whether the activity involved hazardous substances, waste, or materials and whether any such hazardous substances, waste, or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located on such leased aquatic lands.**

Response

Activities occurring on leased aquatic lands are limited to fueling activities (both loading and offloading at the marine dock) described in the responses to Questions 22 and 23 above.

25. Please describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on each Property during the period of investigation (1937 to the present). Provide the brand name of all pesticides or herbicides used.

Response

No pesticides have been applied at the ConocoPhillips Portland Terminal since at least 1975. The following herbicides currently are used at the facility and are applied annually:

Brand Name	Manufacturer
2K7 Bug Stick	BetzDearBorn
2,4-D Phenoxy Herbicide	Cenex, Inc.
Kathion®886MW Biocide	Rohm and Haas Company
X Cide 102 Industrial Bactericide	Baker Petrolite
X Cide 825 Industrial Bactericide	Baker Petrolite

The Herbicide Materials Safety Data Sheets are provided and attached hereto as Document #s **COPPOR00001575 thru COPPOR00001605**.

26. Describe how wastes transported off the Property for disposal are and ever were handled, stored, and/or treated prior to transport to the disposal facility.

Response

Wastes are stored in drums in proper storage areas (i.e., Waste Storage Area #1; see also response to Question 16). Hazardous wastes go to and always have (since at least 1997) gone to the Waste Management Class C facility in Arlington, Oregon. Non-hazardous solid wastes are and always (since at least 1997) have been landfilled at the Waste Management Inc.'s municipal solid waste landfill in Hillsboro, Oregon; and tank bottoms are and always have (since at least 1997) been recycled at Fuel Processors, Inc. of Clackamas, Oregon. Used oil historically transported to ThermoFluids and/or Oil Re-Refining Company for recycling. Off-specification (off-spec) slop oils are stored in Tank 4223 pending disposal or recycling at licensed off-site treatment, storage and disposal facility. Petroleum-contaminated soil commonly was transported to TPS Technologies Inc. of Portland, Oregon for thermal destruction and recycling from a period prior to 1997 through the early 2000s (estimated time of facility operation through 2002 or 2003).

27. Has Respondent ever arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials to any

Property (including the Willamette River) within the Investigation Area? If so, please identify every Property that Respondent's materials were disposed or treated at in the Investigation Area. In addition, identify:

- a. the persons with whom the Respondent made such arrangements;**
- b. every date on which Respondent made such arrangements;**
- c. the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid) and quantity (volume and weight) of all materials involved in each such arrangement;**
- d. in general terms, the nature and quantity of the non-hazardous materials involved in each such arrangement;**
- e. in general terms, the nature and quantity of any hazardous materials involved in each such arrangement;**
- f. the owner of the materials involved in each such arrangement, if not Respondent;**
- g. all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;**
- h. the address(es) for each Property, precise locations at which each material involved in such transactions actually was disposed or treated;**
- i. the owner or operator of each facility at which hazardous or non-hazardous materials were arranged to be disposed at within the Investigation Area;**
- j. who selected the location to which the materials were to be disposed or treated;**
- k. who selected the Property as the location at which hazardous materials were to be disposed or treated; and**
- l. any records of such arrangement and each shipment.**

Response

To the best of our knowledge, the ConocoPhillips Portland Terminal never disposed of or arranged for disposal of wastes to any property within the Investigation Area.

- 28. Describe the plants and other buildings or structures where Respondent carried out its operations at each Property within the Investigation Area (excluding locations where ONLY clerical/office work was performed).**

Response

As noted in the response to Question 20 above, the ConocoPhillips Terminal currently loads, offloads, stores, blends and processes petroleum products, oils, and lubricants for commercial and industrial use. Specific products handled at the facility include biodiesel, JP-7, marine diesel oil, number 1 and number 2 heating oils, diesel fuel oil number 2, reprocessed fuel oil, residual fuel oil, transmix, and unbranded oxygenated gasoline products (containing ethers and/or ethanol). Petroleum-handling operations at the Terminal began in 1980; and asphalt was produced from 1968 to 1975. Areas of the Terminal where operations are carried out include Tank Farm #1, Tank Farm #2, Tank Farm #3, F-Tank Area, Upper and Lower Lube Cell, and the Marine Dock. These areas are show on the Site Plan from Exhibit 13, as well as detail site plans for individual major areas (i.e., each tank farm and the marine dock).

- 29. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations on each Property.**

Response

Piping and instrumentation diagrams for the stormwater and process drain systems for Tank Farm #1, Tank Farm #2, Tank Farm #3, the Upper and Lower Lube Cells, and the F-Tank Area are included in the attached document attached hereto as Document #s **COPPOR00001606 thru COPPOR00001611**.

- 30. Provide a brief description of the nature of Respondent's operations at each location on each Property including:**
- a. the date such operations commenced and concluded; and**
 - b. the types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.**

Response

Please refer to the response to Question 20 above.

- 31. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.**

Response

Process changes on the site since 1997 include the production of biodiesel. No

additional process changes have occurred at the ConocoPhillips Terminal since at least 1997, and the volumes of petroleum products processed by ConocoPhillips' various product lines have not changed significantly since at least 1997.

- 32. List the types of raw materials used in Respondent's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.**

Response

Raw materials received at the plant include black oil, diesel fuel oil number 1 and number 2, base oil, and gasoline and diesel additives (including ethanol and B100, which is a vegetable oil). A tabulated summary of all chemicals that are now being transported, used, purchased, generated, stored and treated at the ConocoPhillips Terminal is provided in a spreadsheet table entitled "PT22600' (PORTLAND TERMINAL) ON-LINE CHEMICAL LIST".

- 33. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the Respondent's operations.**

Response

Material Safety Data Sheets for all materials used in site operations are attached. The tabulated list of materials is also provided in response to Question 21.b and is the table title "PT22600'(PORTLAND TERMINAL) ON-LINE CHEMICAL LIST".

- 34. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:**
- a. the types of materials used to clean/maintain this equipment/machinery;**
 - b. the monthly or annual quantity of each such materials used.**
 - c. the types of materials spilled in Respondent's operations;**
 - d. the materials used to clean up those spills;**
 - e. the methods used to clean up those spills; and**
 - f. where the materials used to clean up those spills were disposed of.**

Response

High pressure water and an ODEQ-approved solvent bath and sand blast media are used to clean equipment and machinery on this site. Reports of the amounts of sand used annually are submitted to ODEQ.

Quantities of diesel fuel, lube oil, gasoline products, and industrial fuel oil occasionally are spilled on site. Absorbent pads and rags are used to clean up these spills. These pads and rags containing the absorbed oil are then drummed and transported to oil recycling facilities for incineration.

High pressure water used for cleaning is routed to the process water oil/water separator (Separator #003), and then through a hydrocleaner (which uses dissolved air flotation technology) before being discharged to the City of Portland sanitary sewer system. Ultimately, the sanitary sewer discharges to the Columbia Boulevard Wastewater Treatment Plant, which is a publicly owned treatment works. Recovered oil from Separator #003 is stored temporarily on-site and then either blended into marine or industrial fuel oils handle at the ConocoPhillips Portland Terminal or sold to an outside vendor for fuel blending.

- 35. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation.**

Response

Please refer to the response to Question 34 above.

- 36. For each type of waste (including by-products) from Respondent's operations, including but not limited to all liquids, sludges, and solids, provide the following information:**
- a. its physical state;**
 - b. its nature and chemical composition;**
 - c. its color;**
 - d. its odor;**
 - e. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and**
 - f. the dates (beginning & ending) during which each type of waste was produced by Respondent's operations.**

Response

Information such as physical state, nature, chemical composition, color, and odor

for by-products from ConocoPhillips' Terminal operations is included on the Material Safety Data Sheets provided and attached hereto as Document #s **COPPOR00000741 thru COPPOR00001433.**

The primary waste generated during Terminal operations appears to be slop oils. Slop oils which meet flash temperature and specific gravity specifications are sold to an outside vendor for use in intermediate products, or it is blended into marine or industrial fuel oils handled at the Terminal. These slop oils generally are stored in Tank 36. Off-specification (off-spec) slop oils are stored in Tank 4223 pending disposal or recycling at licensed off-site TSDFs. The annual volumes of hazardous wastes generated at the facility are reported by the facility environmental manager in a year-end report to ODEQ – Land Quality [submitted electronically to DeqHazWaste.NET], but month-by-month or annual non-hazardous waste accumulation summaries for past years were not found in the files at the Terminal.

Please refer to the documents attached hereto as Document #s **COPPOR00001612 thru COPPOR00001709.**

- 37. Provide a schematic diagram that indicates which part of Respondent's operations generated each type of waste, including but not limited to waste generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.**

Response

A schematic diagram illustrating waste generation operations is attached hereto as Document #**COPPOR00001710.**

- 38. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.**

Response

Thomas Lyons
Facility Supervisor – Current (January 2008 – Present)
Portland Terminal
ConocoPhillips Pipeline Company
5528 N.W. Doane Ave.
Portland, OR 97210

Steven Kober
Former Terminal Manager – Portland (March 2007 - January 2008)
Area Supervisor – Current
Portland Terminal
ConocoPhillips Pipe Line Company
5528 N.W. Doane Ave.
Portland, OR 97210

Carrie A. Wildin, P.E.
Former Terminal Manager - Portland (January 2006 - March 2007)
Pipeline Engineer - Current
ConocoPhillips Company
700 G Street, 990 ATO
Anchorage, AK 99501

John Sherman
Former Terminal Manager – Portland (December 1999 - January 2006)
No longer with Company

Stephen Gloeckner
Former Terminal Manager – Portland (May 1998 - December 1999)
Area Supervisor - Current
Richmond Terminal and Sacramento Terminal
ConocoPhillips Pipe Line Company
1300 Canal Blvd.
Richmond, CA 94804

Anita Rogers (1997 - 1998)
Former Terminal Manager - Portland
Manager of Market Analysis & Comm. Dev.
ConocoPhillips Company
600 N. Dairy Ashford
Houston, TX 77079

The supervisor for Terminal Managers who is responsible for environmental compliance issues is the Regional Environmental Coordinator. For ConocoPhillips Pipeline Division, the regional environmental coordinator is the

individual who is responsible for overseeing the environmental staff at terminals and pipeline facilities in Oregon and Washington. Since 1997, there have been only two individuals holding this position. The regional environmental coordinator is located at the ConocoPhillips Portland Terminal, so this individual provides oversight during environmental cleanup and compliance activities.

Bill Collins – April 2001 to Present
Environmental Coordinator
Portland Terminal
ConocoPhillips Pipe Line Co.
5528 N.W. Doane Ave.
Portland, OR 97210

Sandy Matthews – Pre-1997 to 1999.
Director Constr. Mgmt. – Sacramento
4957 Lakemont Blvd., SE
Suite C-4, #11
Seattle, WA 98006

- 39. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.**

Response

The ConocoPhillips Portland Terminal maintains a list of approved disposal facilities, and it has identified a preferred transporter – Cowlitz Clean Sweep of Longview, Washington. Arrangement for disposal, treatment or recycling of waste materials consist of a simple purchase order prepared at the time services are required.

- 40. Provide copies of such contracts and other documents reflecting such agreements or arrangements.**
- a. state where Respondent sent each type of its waste for disposal, treatment, or recycling;**
 - b. identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request);**
 - c. if Respondent transported any of its wastes away from its operations, please so indicate;**

- d. for each type of waste specify which Waste Carrier picked it up;
- e. indicate the ultimate disposal/recycling/treatment location for each type of waste;
- f. provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste; and
- g. state the basis for and provide any documents supporting the answer to the previous question.

Response

The document attached hereto as Document #s **COPPOR00001711** thru **COPPOR00001725** provides a list of types of waste, the respective waste transporter(s), and classifications of waste as either hazardous or non-hazardous. Hazardous waste is transported under hazardous waste manifest to Waste Management Inc.'s Class C hazardous waste landfill in Arlington, Oregon. Slop oils—waste oils recovered from the process waste oil/water separator (Separator #003) which meet flash temperature and specific gravity specifications are sold to an outside vendor for use in intermediate products, or they are blended into marine or industrial fuel oils handled at the Terminal.

41. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:

- a. the nature and chemical composition of each type of waste;
- b. the dates on which those wastes were disposed;
- c. the approximate quantity of those wastes disposed by month and year;
- d. the location to which these wastes drained (e.g. septic system or storage tank at the Property, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
- e. whether and what pretreatment was provided.

Response

Process water that has been treated by the process water oil/water separator (Separator #003), and then passed through a hydrocleaner (which uses a dissolved air flotation technology to skim off oil water) is discharged to the City of Portland sanitary sewer system. Ultimately, the sanitary sewer influent is treated at the Columbia Boulevard Wastewater Treatment Plant in Portland, Oregon. The oil/water separator system at the ConocoPhillips Portland Terminal has remained unchanged since the early 1930s. Typical throughput for this separator has ranged from approximately 750,000 to 10,000,000 gallons of water per

month over an 18-month period in 2001 and 2002. This period is considered to be typical of normal Terminal operations to the present.

- 42. Identify any sewage authority or treatment works to which Respondent's waste was sent.**

Response

Hydrocleaner-treated wastewater (referred to as treated process water) is discharged through sanitary sewers at the process water oil/water separator (Separator #003) to the City of Portland sanitary sewer system for treatment at a publicly-owned treatment works (e.g., the Columbia Boulevard Wastewater Treatment Plant in Portland, Oregon).

- 43. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from Respondent's operations.**

Response

A groundwater extraction and treatment system is located near the dock area and is operated and maintained by Stantec. The system was installed in 2001 by KHM Environmental Management to treat intercepted oily groundwater and oil that accumulated behind two sheet pile cut-off walls that were installed along the riverfront at historical bank seep locations. Waste products from this system include a small quantity of separated oil (approximately 60 gallons every 2-3 months), spent granular activated carbon (which is non-regenerable due to a naturally –occurring iron precipitate problem), and a carbon-treated wastewater stream that is discharged to the City of Portland sanitary sewer under Wastewater Discharge Permit Number 500.015. The issuing body is City of Portland Environmental Services – Water Pollution Control Laboratory. Schematic diagrams showing process flow, as well as as-builts of the remediation system, are included in Delta Environmental's "Waste Discharge Permit #500.015 Application for Renewal", dated 8/7/07. A copy of the permit and permit application are provided and attached hereto as Document # **COPPOR00001726 thru COPPOR00001786.**

- 44. If applicable, describe the facilities, processes and methods Respondent or Respondent's contractor used, and activities engaged in, either currently or in the past, related to ship building, retrofitting, maintenance or repair, including, but not limited to, dry-docking operations, tank cleaning, painting and re-powering.**

Response

The facility is a bulk fuel storage and processing facility and is not involved in ship building, retrofitting, maintenance and repair. Docking facilities on the property are used for loading and unloading purposes only.

- 45. Describe any hazardous substances, wastes, or materials used or generated by the activities described in response to the previous Question and how these hazardous substances, materials and wastes were released or disposed of.**

Response

Not applicable. Please refer to the response to Question 44 above.

- 46. Provide copies of any records you have in your possession, custody or control relative to the activities described in response to the previous two Questions.**

Response

Not applicable. Please refer to the response to Question 44 above.

- 47. Describe any process or activity conducted on a Property identified in response to Question 4 involving the acquisition, manufacture, use, storage, handling, disposal or release or threatened release of polychlorinated biphenyl(s) ("PCB(s)" or PCB(s)-containing materials or liquids.**

Response

To the best of our knowledge, a single transformer formerly was located on a power pole to the south of the marine dock area. Ownership of this transformer is believed to be Portland General Electric Company. The transformer was decommissioned and removed from the site prior to 1997. Supporting documentation for this transformer location was not found in the files at the Terminal. No registration, notification or inspection records were found during the review of records at the Terminal. Portland General Electric Company would have been responsible for proper handling and disposal of any PCB-containing waste materials.

- 48. For each process or activity identified in response to the previous Question, describe the dates and duration of the activity or process and the quantity and type of PCB(s) or PCB(s) containing materials or liquids.**

Response

Please refer to the response to Question 47 above.

- 49. For each process or activity identified in response to the previous two Questions, identify the location of the process or activity on the Property.**

Response

Please refer to the response to Question 47 above.

Section 5.0 Regulatory Information

- 50. Identify all federal, state and local authorities that regulated the owner or operator of each Property and/or that interacted with the owner or operator of each Property. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and environmental concerns.**

Response

Federal authorities that have regulated the property owner include the Environmental Protection Agency (EPA), the United States Army Corps of Engineers, and the United States Coast Guard. State authorities include the Oregon Department of Environmental Quality (ODEQ), Oregon Department of Transportation (ODOT), and Oregon Department of State Lands (ODSL). Local authorities include the City of Portland Bureau of Environmental Services (BES) and the City of Portland Department of Fire, Rescue and Emergency Services.

EPA, ODEQ, and BES periodically visit or audit the site to ensure compliance with federal, state and local environmental permits and regulations. The U.S. Coast Guard periodically inspects the marine dock area and riverfront portion of the Terminal (including Outfall #22) to ensure compliance with homeland security measures. The U.S. Army Corps of Engineers and ODSL are consulted when modifications or improvements to site drainage are proposed. ODOT inspects on-site railways. The Portland Department of Fire, Rescue and Emergency Services periodically inspects the site to ensure compliance with the local fire

code. Agency visits from 2002 to the present are provided and attached hereto as Document #s **COPPOR00001787 thru COPPOR00001929**.

- 51. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning each Property during the period being investigated related to health and safety issues and/or environmental concerns. Provide copies of all documents associated with each occurrence described.**

Response

Documented spills and releases from October 2004 through the present are attached hereto as Document #s **COPPOR00001930 thru COPPOR00001969**. A copy of the Incident Investigation Reports is available at the ConocoPhillips Portland Terminal main file room, covering the period from 1998 to 2007. These include accidents reports, as well as occurrences associated with violations, citations, and deficiencies. Documents attached hereto include a copy of the ODEQ Hazardous Waste Compliance Evaluation Inspection for 7/6/99, which resulted in Notice of Noncompliance #NWR-HW-99-048, dated 7/7/99.

- 52. Provide a list of all local, state and federal environmental permits ever issued to the owner or operator on each Property (e.g., RCRA permits, NPDES permits, etc.). Please provide a copy of each federal and state permit, and the applications for each permit, ever issued to the owner or operator on each Property.**

Response

Document #s **COPPOR00001970 thru COPPOR00002396** attached hereto provide a circa-2003 list of local, state, and federal permits established by the ConocoPhillips Portland Terminal. All of these permits remain in effect. A copy of each federal and state permit, and the applications for each permit dated 1997 or later, is included.

- 53. Did the owner or operator ever file a Hazardous Waste Activity Notification under the RCRA? If so, provide a copy of such notification.**

Response

A business change of ownership for the ConocoPhillips Portland Terminal, dated 3/31/97, was filed with the ODEQ – Waste Management & Cleanup Division, Hazardous Waste Section, on a Notification of Hazardous Waste Activity form

(see Document #s **COPPOR00002397 thru COPPOR 00002401**). On the date of filing, the facility was known as Tosco Portland Terminal. The facility has had an EPA ID Number of ORD087458197.

- 54. Did the owner or operator's facility on each Property ever have "interim status" under the RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status.**

Response

The facility does not currently have "interim status" under RCRA and Respondent is not aware of any previous "interim status" under RCRA.

- 55. Provide all RCRA Identification Numbers issues to Respondent by EPA or state for Respondent's operations.**

Response

The RCRA identification number for this facility is ORD087458196. A copy of the Oregon DEQ hazardous waste filing information acknowledgement is provided. Please refer to the response to Question 53 above.

- 56. Identify all federal offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.**

Response

None. In Oregon, responsibility for hazardous substance and hazardous waste information filing at the federal level has been delegated to the Oregon Department of Environmental Quality (ODEQ). Waste reduction plans, which include a toxic substance use and hazardous waste generation data section, have been maintained by the ConocoPhillips Portland Terminal since at least 1998, when the facility was still owned by Tosco Corporation.

- 57. Identify all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.**

Response

Please refer to the response to Question 56 above.

- 58. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq., Oregon Hazardous Substance Remedial Action Law, ORS 465.315, Oregon Water Quality law, ORS Chapter 468(b), Oregon Hazardous Waste and Hazardous Materials law, ORS Chapter 465 and 466, or Oregon Solid Waste law, ORS Chapter 459. Provide copies of each report made, or if only oral reporting was required, identify the federal and state offices to which such report was made.**

Response

The ConocoPhillips Portland Terminal is subject to regulation from the EPCRA, Clean Water Act, ORS 465.315, and ORS Chapters 459, 465, 466, and 468(b). ConocoPhillips Portland Terminal has been submitting monthly NPDES reports to the Oregon DEQ.

- 59. Provide a copy of any registrations, notifications, inspections or reports required by Toxic Substances Control Act, 15 USC § 2601 et seq., or state law, to be maintained or submitted to any government agency, including fire marshal(s), relating to PCB(s) or PCB(s) containing materials or liquids on any Property identified in response to Question 4.**

Response

Please refer to the response to Question 47 above.

- 60. Has Respondent or Respondent's contractors, lessees, tenants, or agents ever contacted, provided notice to, or made a report to the Oregon Department of State Lands ("DSL") or any other state agency concerning an incident, accident, spill, release, or other event involving Respondent's leased state aquatic lands? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between Respondent or its agents and**

DSL or the other state agency and all documents that were exchanged between Respondent, its agents and DSL or other state agency.

Response

A list of spills, releases and reports submitted to ODEQ is provided. Please refer to response to Question 22 above. KHM Environmental Management obtained a Greenway Permit from DSL prior to installation of the sheet pile cut-off walls at Outfall #22 in 2001. This activity took place on leased City of Portland aquatic lands, assuming that "aquatic" refers to river-front.

- 61. Describe all notice or reporting requirements to DSL that you had under an aquatic lands lease or state law or regulation regarding incidents affecting, or activities or operations occurring on leased aquatic lands. Include the nature of the matter required to be reported and the office or official to whom the notice or report went to. Provide copies of all such notices or reports.**

Response

ConocoPhillips Portland Terminal and/or its environmental consultants interact with DSL, as needed, during the planning process to see guidance on permitting and approval for proceeding with underground utility modifications that may potentially affect the river shoreline. Such interactions are usually the result of meetings or conference calls and no formal reports have been generated.

Section 6.0 Releases and Remediation

- 62. Identify all leaks, spills, or releases into the environment of any waste, including petroleum, hazardous substances, pollutants, or contaminants, that have occurred at or from each Property, which includes any aquatic lands owned or leased by Respondent. In addition, identify, and provide copies of any documents regarding:**
- a. when such releases occurred;**
 - b. how the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).**
 - c. the amount of each hazardous substances, pollutants, or contaminants so released;**
 - d. where such releases occurred;**

- e. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
- f. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken;
- g. all persons with information relating to these releases;
- h. list all local, state or federal departments or agencies notified of the release, if applicable; and

Response

Please refer to the attached site release history Table 3 in the Final Upland Remedial Investigation Report generated by Delta on August 1, 2003. Respondent will supplement this response if necessary.

- 63. Was there ever a spill, leak, release or discharge of waste, including petroleum, or hazardous substances, pollutant or contaminant into any subsurface disposal system or floor drain inside or under a building on the Property? If the answer to the preceding question is anything but an unqualified "no", identify:**
- a. where the disposal system or floor drains were located;
 - b. when the disposal system or floor drains were installed;
 - c. whether the disposal system or floor drains were connected to pipes;
 - d. where such pipes were located and emptied;
 - e. when such pipes were installed;
 - f. how and when such pipes were replaced, or repaired;
 - g. whether such pipes ever leaked or in any way released such waste or hazardous substances into the environment; and
 - h. provide all documentation regarding but not limited to the following:
 - i. the release of diesel and gasoline from a Tosco tank while decommissioning 5 underground storage tanks in 1997;
 - ii. a December 1997, release of 2,500 gallons of lube oil;
 - iii. a June 2000, release of 6,538 gallons of Kerosene;
 - iv. a December 2000, release of marine diesel fuel;
 - v. a June 2001, release of 25 gallons of marine diesel fuel; and
 - vi. any petroleum hydrocarbon seepage associated with a 60-inch storm sewer.

Response

Please refer to the chart below and attached data information

On 12/19/97, approximately 2,500 gallons of lube oil were released due to equipment failure of the barrel filler, next to the warehouse. On 6/15/2000, approximately 6,540 gallons of kerosene were released due to equipment malfunction (sampling valve vibrated open) at Tank 2982, in Tank Farm 2. The release and remedial activities are documented in the attached *June 2000 Kerosene Release Report* and subsequent addendum by GeoEngineers.

On 12/21/2000, approximately 55 gallons of marine diesel/oil were released due to a pinhole in Tank 2669.

- A seep was originally observed in 1984 at the riverbank beneath the invert of the newly installed 60-inch storm drain. Backfill associated with the pipe provided a preferential pathway.
- In 1987 a clay barrier and 12-inch product recovery well were installed (*Draft Interim Action Workplan*, CH2MHill 11/1994).
- In 1988, 3,210 gallons were recovered from the barrier and recovery well (*Annual Progress Report*, Riedel, 12/20/1988).
- In 1992, 6.4 gallons were recovered (*1992 Final Report*, Riedel, 12/12/93).
- Sample collection from the surface of the Willamette River at the outfall location on 10/20/94 contained No. 2 diesel-type hydrocarbons (10/27/94, Letter to J. Comstock from T. Fisk).

Known releases to drains and sumps:

Date	Location	Volume	Product	Comments
1/21/79	Filter check valve	8,500	Leaded regular gasoline	Majority contained in separator system, 100 gal may have entered sanitary sewer. No additional information is available.
07/29/85	Tank car loading area	20	Oil	Product flowed into sump drain. No additional information is available.

64. Has any contaminated soil ever been excavated or removed from the Property? Unless the answer to the preceding question is anything

besides an unequivocal "no", identify and provide copies of any documents regarding:

- i. amount of soil excavated;
- j. location of excavation presented on a map or aerial photograph;
- k. manner and place of disposal and /or storage of excavated soil;
- l. dates of soil excavation;
- m. identity of persons who excavated or removed the soil, if other than a contractor for Respondent;
- n. reason for soil excavation;
- o. whether the excavation or removed soil contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the soil contained, and why the soil contained such constituents;
- p. all analyses or tests and results of analyses of the excavated area after the soil was removed from the Property; and
- q. all persons, including contractors, with information about (a) through (i) of this request.

Response

Yes. Impacted soil has been removed from the site during various historic remedial activities. Remedial reports and investigations supplied (refer to response to Question 15 above) describe details associated with soil removal. The attached aerial photo (Document # **COPPOR00002635** is marked with known soil removal areas. Soil removal activities include, but are not limited to:

- Soil removal in "sand lot" area associated with exposing and repairing the marine diesel fuel pipeline in 2001. Several hundred tons of soil were removed and hauled to TPST or Hillsboro Landfill for treatment or disposal.
- Soil excavation associated with the construction of the 60" cutoff wall in 2001. Approximately 450 tons of petroleum impacted soil was hauled to TPST in Portland, Oregon for treatment by thermal treatment. The chemical analyses, soil manifests and tonnage are documented.
- In 2007, three excavations were completed in tank farm number 1. Over 450 tons of petroleum impacted soil were hauled to Hillsboro Landfill for disposal. See provided figures and landfill disposal tickets.

Respondent will supplement this response if necessary.

- 65. Have you ever tested the groundwater under your Property? If so, please provide copies of all data, analysis, and reports generated from such testing.**

Response

Yes. Historically, the groundwater has been tested under regulatory approved sampling plans on a quarterly/semi-annual basis, dating back to 1993. Unocal performed and submitted a Preliminary Assessment for the Willbridge Unocal Terminal in 1993. (*Final Upland Remedial Investigation Report*, Willbridge Facility, Portland, Oregon, August 1, 2003).

Currently, the groundwater is tested on a semi-annual basis. Tables 3 through 5 of the Willbridge Terminal Group Semi-Annual Groundwater Monitoring Report (October 2007 through March 2008), include groundwater analytical data collected from February 2000 to March 2008 at the ConocoPhillips Terminal, consisting of TPH, BTEX MTBE, PAHs, and total metals. Please refer to the documents attached hereto as Document #s **COPPOR00002665 thru COPPOR00002702** for the most recent Semi-annual Groundwater Monitoring Report, dated May 15, 2008. Please refer to the response to Question 15 above.

- 66. Have you treated, pumped, or taken any kind of response action on groundwater under your Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:**
- a. reason for groundwater action;**
 - b. whether the groundwater contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the groundwater contained, and why the groundwater contained such constituents;**
 - c. all analyses or tests and results of analyses of the groundwater;**
 - d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and**
 - e. all persons, including contractors, with information about (a) through (c) of this request.**

Response

There is currently a groundwater treatment system located on the property (see figure). The system pulls impacted groundwater from behind two groundwater cut-off walls installed near the 60-inch and former 27-inch outfalls. The extracted groundwater is pumped to an oil water separator then treated with activated carbon and discharged under permit to the City of Portland sanitary sewer system. The walls were installed as Interim Remedial Action Measures (IRAMs) by Chevron and ConocoPhillips as part of Consent Order WMCSR-NWR-94-06 between the ODEQ and the Willbridge Terminal Group.

- a. The cut-off walls near the former 27-inch and 60-inch storm sewers were installed to restrict the flow of any impacted groundwater to the Willamette via preferential pathways from the storm sewer backfill. The system was installed to remove and treat any impacted groundwater retained by the cut-off walls and to create a hydraulic barrier between upland impacted groundwater at the site and the Willamette River.
- b. Groundwater is known to contain TPH-G/D/O, various constituents of petroleum hydrocarbons (BTEX, PAHs), metals, and some concentrations of pesticides.
- c. See analytical data attached. Please refer to response to Question 15.
- d. Actions are ongoing.
- e. Delta Consultants, ConocoPhillips Company, Stantec Consultants, Chevron USA Inc. and Arcadis.

67. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into the Willamette River from any equipment, structure, or activity occurring on, over, or adjacent to the river? If the answer to the preceding question is anything but an unqualified "no", identify and provide copies of any documents regarding:

- a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
- b. the dates of each such occurrence;
- c. the amount and location of such release;
- d. were sheens on the river created by the release;

Response (a-d)

Three releases in the historic release were listed at the dock and may have resulted in a release directly to the Willamette River. Released material is in the form of hydrocarbon impacted groundwater and sediment.

Sheens have been created by groundwater and petroleum seeps located in the vicinity of the former 27-inch and 60-inch cutoff walls.

- e. was there ever a need to remove or dredge any solid waste, bulk product, or other material from the river as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed; and

Response

Dredging has historically occurred associated with maintaining ship loading areas adjacent to the docks. No documentation of dredging due to a release has been found.

f. provide all documentation regarding, but not limited to the following:

i. any hydrocarbon seepage from the 60-inch storm sewer to the river from the date of construction to the present.

Response

Seeps associated with the former 27-inch and 60-inch stormwater sewers have historically discharged directly to the Willamette River. Multiple reports addressing these issues are included in the documents attached hereto. Please refer to the response to Question 15 above.

See attached table.

68. For any releases or threatened releases of PCB(s), identify the date, quantity, location and type of PCB(s) or PCB(s) containing materials or liquids, and the nature of any response to or cleanup of the release.

Response

There are no reported releases or threatened releases of PCBs at the ConocoPhillips Portland Terminal. PCBs were not retained on the contaminant of concern list for the Portland Terminal (RI, 2003, P. 64).

69. For any releases or threatened releases of PCB(s) or PCB(s) containing materials or liquids, identify and provide copies of any documents regarding the quantity and type of waste generated as a result of the release or threatened release, the disposition of the waste, provide any reports or records relating to the release or threatened release, the response or cleanup and any records relating to any enforcement proceeding relating to the release or threatened release.

Response

Not applicable. There are no reported releases or threatened releases of PCBs at the ConocoPhillips Portland Terminal.

Section 7.0 Property Investigations

70. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Property concerning insurance issues or insurance coverage matters. Provide documentation regarding but not limited to the following:

- a. a December 2000, Remedial Action Report provided by KHM Management;**
- b. a May 2002, Revised 60-inch Storm Sewer Interim Remedial Action Report regarding the Tosco Willbridge Terminal;**
- c. a May 1996, Doane Avenue Storm Sewer Investigation Work Plan: Willbridge Facilities Riverfront Interim Action report; and**
- d. a map that specifically shows the location of Tank Farm No. 2 and areas east.**

Response

Please refer to the documents attached hereto.

71. Describe the purpose for, the date of initiation and completion, and the results of any investigations of soil, water (ground or surface), sediment, geology, and hydrology or air quality on or about each Property. Provide copies of all data, reports, and other documents that were generated by you or a consultant, or a federal or state regulatory agency related to the investigations that are described.

Response

Please refer to the documents provided in response to Question 15 above.

72. Describe any remediation or response actions you or your agents or consultants have ever taken on each Property either voluntarily or as required by any state or federal agency. If not otherwise already provided under this Information Request, provide copies of all investigations risk assessments or risk evaluations, feasibility

studies, alternatives analysis, implementation plans, decision documents, monitoring plans, maintenance plans, completion reports, or other document concerning remediation or response actions taken on each Property.

Response

Please refer to the documents provided in response to Question 15 above.

- 73. Are you or your consultants planning to perform any investigations of the soils, water (ground or surface), geology, and hydrology or air quality on or about the Property? If so, identify:**
- a. what the nature and scope of these investigations will be;**
 - b. the contractors or other persons that will undertake these investigations;**
 - c. the purpose of the investigations;**
 - d. the dates when such investigations will take place and be completed; and**
 - e. where on the Property such investigations will take place.**

Response

There is an ongoing effort by Respondent to investigate the soils, water, geology, and hydrology or air quality at Property as part of the RI/FS.

Section 8.0 Corporate Information

- 74. Provide the following information, when applicable, about you and/or your business(es) that are associated with each Property identified in response to Question 4:**
- a. state the current legal ownership structure (e.g., corporation, sole proprietorship);**
 - b. state the names and current addresses of current and past owners of the business entity or, if a corporation, current and past officers and directors;**
 - c. discuss all changes in the business' legal ownership structure, including any corporate successorship, since the inception of the business entity. For example, a business that starts as a sole proprietorship, but then incorporates after a few years, or a business that is subsequently acquired by and**

- merged into a successor. Please include the dates and the names of all parties involved;
- d. the names and addresses of all current or past business entities or subsidiaries in which you or your business has or had an interest that have had any operational or ownership connection with the Properties identified in response to Question 4. Briefly describe the business activities of each such identified business entities or subsidiaries; and
 - e. if your business formerly owned or operated a Property identified in response to Question 4, describe any arrangements made with successor owners or operator regarding liability for environmental contamination or property damage.

Response

Respondent specifically objects to Request No. 74 on that it seeks information that is overbroad and unduly burdensome. Subject to and without waiving the foregoing objections, please refer to the responses to Questions 1 and 6 above. Respondent also herein provides a copy of the 2007 Annual Report for ConocoPhillips attached herewith as Document #COPPOR00013455.

75. List all names under which your company or business has ever operated and has ever been incorporated. For each name, provide the following information:
- a. whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
 - b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
 - c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units affiliates, and parent corporations if any, of the Respondent.

Response

Please refer to the responses to Questions 1 and 6 above.

76. Provide all copies of the Respondent's authority to do business in Oregon. Include all authorizations, withdrawals, suspensions and reinstatements.

Response

Please refer to the documents attached hereto identified as Document # **COPPOR00013417 thru COPPOR000013454.**

- 77. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:**
- a. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;**
 - b. the dates such relationship existed;**
 - c. the percentage of ownership of Respondent that is held by such other entity(ies);**
 - d. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;**
 - e. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at each Property;**
 - f. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total, sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth; and**
 - g. describe the relationship, acquisition, or merger and provide documentation regarding interest transferred from the Unocal and/or the Signal Oil Company to Phillips Petroleum and/or GATX Tank Storage Terminals Corporation.**

Response

Please refer to the responses to Questions 1 and 6 above.

- 78. If Respondent is a partnership, please describe the partnership and provide a history of the partnership's existence. Provide a list all current and past partners of any status (e.g., general, limited, etc.) and provide copies of all documents that created, govern, and otherwise rules the partnership,**

including any amendments or modifications to any of the originals of such documents, and at least five years of partnership meeting minutes.

Response

Respondent is not a partnership.

Section 9.0 Compliance With This Request

79. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:

- a. the name and current job title of all individuals consulted;
- b. the location where all sources reviewed are currently reside; and
- c. the date consulted.

Response

Please refer to the response to Question 2 above. Please also refer to all attachments to this Response. The dates these sources were consulted were from April 2008 until August 14, 2008.

80. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal, placement, or other handling of hazardous materials at, or transportation of hazardous substances, waste, or materials to or from, each Property identified in response to Question 4.

Response

Please refer to the response to Question 2 above.

81. If any of the documents solicited in this information request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:

- a. the document retention policy between 1937 and the present;
- b. the approximate date of destruction;
- c. a description of the type of information that would have been contained in the documents;

- d. the name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for destroying the documents; and the person(s) who had and/or still have the originals or copies of these documents; and
- e. the names and most current address of any person(s) who may possess documents relevant to this inquiry.

Response

To the best of our knowledge and information, all documents consulted have been provided or identified in this Response.

82. Provide a description of all records available to you that relate to all of the questions in this request, but which have not been included in your responses.

Response

Please refer to the documents identified and attached to this Response.